

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HOUSE BILL 2254

AN ACT

AMENDING TITLE 36, CHAPTER 20, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-2153; RELATING TO ABORTION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 36, chapter 20, article 1, Arizona Revised Statutes,
3 is amended by adding section 36-2153, to read:

4 36-2153. *Fetal pain: information: violation: definitions*

5 A. A PREGNANT WOMAN WHO REQUESTS AN ABORTION OF AN UNBORN CHILD WHO
6 HAS REACHED A PROBABLE STAGE OF DEVELOPMENT OF TWENTY WEEKS AFTER CONCEPTION
7 MUST BE INFORMED OF THE FOLLOWING BY THE PHYSICIAN:

8 1. THE UNBORN CHILD HAS THE PHYSICAL STRUCTURES NECESSARY TO
9 EXPERIENCE PAIN.

10 2. AT THIS POINT OF GESTATIONAL DEVELOPMENT, UNBORN CHILDREN DRAW AWAY
11 FROM SURGICAL INSTRUMENTS IN A MANNER THAT IN AN INFANT OR AN ADULT WOULD BE
12 INTERPRETED AS A RESPONSE TO PAIN.

13 3. THE UNBORN CHILD WILL EXPERIENCE PAIN EVEN IF THE MOTHER HAS
14 RECEIVED A PAIN REDUCING DRUG.

15 4. THE WOMAN REQUESTING AN ABORTION HAS THE RIGHT TO CHOOSE TO HAVE
16 ANESTHESIA OR DRUGS ADMINISTERED DIRECTLY TO THE UNBORN CHILD.

17 B. BEFORE AN ABORTION IS PERFORMED THE WOMAN MUST SIGN A WRITTEN
18 ACKNOWLEDGMENT THAT THE WOMAN RECEIVED THE INFORMATION PRESCRIBED IN
19 SUBSECTION A.

20 C. A PHYSICIAN WHO VIOLATES THIS SECTION COMMITS AN ACT OF
21 UNPROFESSIONAL CONDUCT AND IS SUBJECT TO LICENSE SUSPENSION OR REVOCATION
22 PURSUANT TO TITLE 32, CHAPTER 13 OR 17.

23 D. THE PHYSICIAN IS NOT REQUIRED TO PROVIDE THE INFORMATION PRESCRIBED
24 IN THIS SECTION IF THE PHYSICIAN CERTIFIES IN THE PREGNANT WOMAN'S MEDICAL
25 RECORD THAT, ON THE BASIS OF THE PHYSICIAN'S GOOD FAITH CLINICAL JUDGMENT,
26 THE PREGNANT WOMAN HAS A CONDITION THAT SO COMPLICATES HER MEDICAL CONDITION
27 AS TO NECESSITATE THE IMMEDIATE ABORTION OF HER PREGNANCY TO AVERT HER DEATH
28 OR FOR WHICH A DELAY WILL CREATE SERIOUS RISK OF SUBSTANTIAL AND IRREVERSIBLE
29 IMPAIRMENT OF MAJOR BODILY FUNCTION.

30 E. FOR THE PURPOSES OF THIS SECTION:

31 1. "ABORTION" MEANS THE USE OF ANY MEANS TO TERMINATE THE CLINICALLY
32 DIAGNOSABLE PREGNANCY OF A WOMAN WITH KNOWLEDGE THAT THE TERMINATION BY THOSE
33 MEANS WILL CAUSE, WITH REASONABLE LIKELIHOOD, THE DEATH OF THE UNBORN CHILD.
34 ABORTION DOES NOT MEAN THE USE OF AN INTRAUTERINE DEVICE OR BIRTH CONTROL
35 PILL TO INHIBIT OR PREVENT OVULATION, FERTILIZATION OR THE IMPLANTATION OF A
36 FERTILIZED OVUM WITHIN THE UTERUS.

37 2. "PHYSICIAN" MEANS A PERSON WHO IS LICENSED PURSUANT TO TITLE 32,
38 CHAPTER 13 OR 17.

39 3. "PREGNANT" OR "PREGNANCY" MEANS A FEMALE REPRODUCTIVE CONDITION OF
40 HAVING A DEVELOPING FETUS IN THE BODY AND THAT BEGINS WITH CONCEPTION.

41 4. "UNBORN CHILD" MEANS THE OFFSPRING OF HUMAN BEINGS FROM CONCEPTION
42 UNTIL BIRTH.